



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

CALE MARCUS STRICKLAND,  
Plaintiff,

vs.

SPARTANBURG COUNTY SHERIFF'S  
OFFICE,  
Defendant.

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CIVIL ACTION NO. 6:18-01732-MGL

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND DISMISSING THE ACTION WITH PREJUDICE  
AND WITHOUT ISSUANCE AND SERVICE OF PROCESS**

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This case was filed as an action under 42 U.S.C. § 1983. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting the Court dismiss the action with prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the

Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

On June 27, 2018, the Magistrate Judge issued an Order noting Plaintiff's complaint was subject to dismissal for failure to state a claim upon which relief may be granted. ECF No. 6. The Magistrate Judge also granted Plaintiff leave to amend the complaint within fourteen days of the date of entry of the Order, and noted should Plaintiff fail to amend the complaint, the Magistrate Judge would recommend to this Court the action be dismissed with prejudice. *Id.* Plaintiff neglected to file an amended complaint. The Magistrate Judge filed the Report on July 16, 2018, ECF No. 10, but Plaintiff failed to file any objections to the Report. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that the action is **DISMISSED WITH PREJUDICE** and without issuance and service of process.

The Court notes there are three motions for discovery currently pending in this case. ECF Nos. 12, 13, 14. Two of these motions for discovery, ECF Nos. 12, 13, appear to relate to other cases. Accordingly, the Court **DISMISSES WITHOUT PREJUDICE** these two motions for discovery, ECF Nos. 12, 13. The third motion for discovery, ECF No. 14, appears related to

the instant case. Because the Court has dismissed this action, however, it **DISMISSES AS MOOT** the third motion for discovery, ECF No. 14.

**IT IS SO ORDERED.**

Signed this 9th day of August, 2018, in Columbia, South Carolina.

s/ Mary Geiger Lewis \_\_\_\_\_  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.